

Serial No.: 09/869,984
Reply to Office Action of: 12/17/2004
Atty. Docket No.: GJH-0005 (P1997J057K)

REMARKS/ARGUMENTS

Applicants have amended the "Cross Reference to Related Applications" section of the present application to include the present status of the related applications as requested by the Examiner.

Applicants have amended claim 1, as suggested by the Examiner, by incorporating process limitations to define the metes and bounds of the claim. Applicants have also added new dependent claims 9-13 further limiting these process parameters added to claim 1. Support for these amendments can be found on page 5, last full paragraph, of the specification.

Applicants have also amended claim 4 to include a numerical range for the variable "z" as requested by the Examiner. Support for this amendment can be found on page 6, second full paragraph, of the specification. Additionally, upon review of the claims as originally submitted, Applicants have discovered and corrected a dependent claim reference error in claims 5 & 6. These claims should have been dependent upon claim 4, since claims 5 & 6 clearly relate to further defining the ranges of variables as defined in claim 4 (not claim 3 as originally submitted).

Rejection under 35 USC 112:

Claims 1-8 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention, stating that they do not sufficiently recite any process limitations (e.g., temperature, pressure, LHSV, etc.). Claim 1 has been further rejected, stating that the word "contacting" does not clearly set forth the metes and bounds of patent protection desired.

Serial No.: 09/869,984
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In response to the rejection of claims 1-8 on the grounds stated above, Applicants as previously mentioned, have amended claim 1 to include process limitations on pressures, temperatures, gas rates and feed rates. Applicants have also added new claims 9-13 further limiting these process conditions in accordance with the detailed specification of the invention as originally submitted. Support for these amended claims can be found on page 5, last full paragraph, of the specification.

Applicants have not modified the term "contacting" in claim 1 since it is believed that this is the proper term of art for the instantly claimed process and that the rejection was based on the use of this term without accompanying limiting process parameters. The term "contacting" is utilized in the claims of many relevant patents (e.g., U. S. Patent Numbers 6,162,350 and 4,014,925).

Claim 4 has also been rejected as being indefinite because no numerical value or range for the variable "z" is recited. Applicants have now amended claim 4 to recite the numerical value of variable "z". Support for this amendment can be found on page 6, second full paragraph, of the specification.

Double Patenting Rejection:

Claims 1-8 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, and 8 of U.S. Patent No. 6,162,350.

A terminal disclaimer in compliance with 37 C.F.R. 1.321(c) is submitted with this response to overcome this rejection.

Serial No.: 09/869,984
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Atty. Docket No.: GJH-0005 (P1997J057K)

As no other rejections have been raised by the Examiner, the Examiner is requested to withdraw the rejections as to the present claims based on the filing of these amendments and terminal disclaimer and pass this application to allowance.

The Examiner is encouraged to call applicant's attorney should the Examiner wish to discuss this application.

Respectfully submitted:



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